IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 158 OF 1991

State of Maharashtra .. Appellant

versus

Ramling Nivrutti Shinde & 2 ors... Respondents

...

Mr.D.P. Adsule, APP for the State.

None for the respondents.

CORAM : V.M. KANADE, J

DATED : 24th November 2004.

ORAL ORDER:-

1. Heard the learned APP appearing on behalf of the State. None appears for the respondent.

2. The State is challenging the judgement and order passed by the C.J.M. Court, Solapur in RCC no.224 of 1987. By the said judgement and order, the learned Magistrate acquitted the respondent accused of the offence punishable u/s.347, 498A, 506 r/w sec.34 of the IPC.

3. The prosecution case is that the brother of accused no.1 died few days before his marriage with the complainant. Due to this incident, the family members of the accused blamed the complainant for the death of the brother of accused and used to harass her and beat her on many occasions. I have perused the judgement and order passed by the trial Court. The prosecution has not examined any independent witnesses to corroborate the statement of the complainant. Medical evidence also does not support the contention of the complainant. The prosecution has not examined any other independent witnesses. On the contrary, witnesses who are examined are interested witnesses. They are also involved in criminal case which fact has been admitted by the Investigating Officer. From the letters which are written by the complainant to her father which are brought on record clearly demonstrate that she was not happy and was not interested in staying with the accused. She also expressed her regret in the letters and questioned her father as to why he had given her married to the accused no.1. The other witnesses who are examined have admitted that they had no direct knowledge about the incident whether the complainant was assaulted by the accused.

4. The finding given by the trial Court therefore, in my view will have to be confirmed.

5. Appeal filed by the State is dismissed.

V.M.KANADE, J